

**Corrections Advisory Council**  
**Study Subcommittee**  
***Minutes***  
***Feb. 27, 2006***  
***Helena Prerelease Center***

**Sen. Steve Gallus**, vice chairman of the council, filled in for subcommittee Chairwoman **Gaul Gutsche**, who could not attend the meeting.

**Sen. Gallus** called the meeting to order shortly after 9 a.m. Present were subcommittee members: Reps. Veronica Small-Eastman and Tim Callahan, Sen. Jim Shockley, Cascade County Sheriff Dave Castle and Toole County Commissioner Allan Underdal.

Others present included: Lt. Gov. John Bohlinger; Corrections Department Director Bill Slaughter; Adult Community Corrections Administrator Mike Ferriter; Legal Services Division Administrator Diana Koch; Steve Barry, human resources administrator for the department; and Bob Anez, department communications director.

***Indian Corrections***

A delegation from the Blackfoot Tribe in Lethbridge, AB, explained the tribe's program for introduction of tribal culture and tradition into the correctional system.

**Rick Soup**, Kainai Community Corrections Society director, said the program was launched because tribal members were dying in jail cells and their families felt the justice system was not working for them. He said 45 percent of admissions to the local corrections system were Indians, yet they represented just 7,000 of the population of 100,000. He said the tribe started a court worker program in the late 1960s or early 1970s and it eventually spread across Canada. The tribe also created a 24-bed prerelease center on the reservation, as well as a home-custody program for Indian offenders. Soup said the program employs six tribal elders to help mentor offenders. They work closely with government officials, mental health and drug addiction counselors, and prosecutors. The elders are those members of the tribe who are revered because of their contributions to the community during their lifetimes. That, Soup said, is how they show leadership. They are not judgmental.

The corrections program is audited every three years. Soup said the tribe involved prosecuting attorneys in native sweat ceremonies so they would better understand Indian cultural and spiritualism. He said the Blackfoot is the only reservation in Canada with its own corrections program. It began with only members of that tribe, but has since expanded to handle members of other tribes in the northern part of the province, he said.

The goal is to keep Indian offenders out of the corrections system by using elders to help offenders what they are doing is against the tribe's culture, Soup said. He emphasized the need for cooperation from prosecutors, judges, defense attorneys, offenders, offenders' families and victims in developing programs to help divert Indian offenders from prison.

**Joanne Lemieux**, probation officer and former native court worker for the tribe, said court workers are tribal members who understand what tribes are about. Their duties include representing offenders charged with misdemeanors and others entitled to having an attorney. This position was created because native offenders didn't understand the justice system and were intimidated by the process. They also faced a language barrier, she said. Court workers know the reservation lifestyle and offender families. They can help explain why someone committed a crime and understand why some offenders are unable to assist in their own defense, Lemieux said. Court workers try to make judges more sensitive the lifestyle and culture of tribes and reservations, assist overworked defense lawyers and make sure information about an offender is presented to the courts.

She explained "healing circles," which are composed of offenders, elders, prosecutors, victims and others involved in a case. A circle develops recommendations for how an offender should be sentenced, and the courts usually accept the recommendation, she said.

**Randi Hood**, Montana's chief state public defender, said she saw no conflict between the court worker concept and her newly created program. "We're not always skilled enough to understand what a client needed," she said of public defenders. "We're not familiar with tribal cultures." But she also said she needs a better understanding of how information will be collected from an offender.

**Harold Healy**, tribal elder and adviser to Kainai Community Corrections, said the four elders working in the program are appointed to their positions in the system. Before the program was implemented, he said, the court system was seen by Indian offenders as a solid wall and many pleaded guilty just to get out of jail. One of the jobs of an elder is to set up meetings with prosecutors to help them understand what factors are affecting an offender. He said offenders who are subjected to a healing circle usually do not repeat their crimes.

**Rep. Callahan** asked if the program had any reports on the success of the program. **Mr. Soup** said a "native court worker review" was done in December and can be obtained from the solicitor general's office.

**Rep. Callahan** wondered how best to evaluate such a program – by the number of offenders diverted from prison or crimes prevented.

**Director Slaughter** explained that the department already has started the process of implementing a portion of this program of Indian corrections by applying a \$100,000 federal grant to a "native court worker" pilot project. The workers would address the Indian offenders' fear of the justice system and the language barriers. He predicted the first order of business will be getting judges and prosecutors to cooperate.

*Siting community programs*

A panel of citizens from Bozeman talked about the process of siting community corrections programs, such as the Bozeman re-entry center that opened there in December.

**Dorothy Bradley**, court administrator for District Judge Mike Salvagni, said of the first questions was how to pay for the center, which she described as a hybrid holding state and county offenders. She said the drug treatment court in Bozeman needed a place to send offenders. She explained how a local community corrections board became the screening panel – “our safety valve” – in determining which offenders to allow into the center. She said such a committee is essential to getting a program accepted in a community. She said siting a facility would impossible with a screening committee being established.

Bradley recounted how local citizens were concerned about security since the center was to be located in a residential neighborhood, although the problem was somewhat mitigated by the fact that the building was located on county land. Opposition was encountered when the issue came before city and county government hearings, she said.

**Ben Dirks**, a neighbor of the center and initially an opponent of the project, said he was a typical “not-in-my-backyard sort of person.” He said he was determined he didn’t want the center next door and, therefore, refused to listen to advocates at first. He eventually learned that his preconceived idea that sex offenders and murderers would be housed in the center were wrong. He praised the transparency of the project. He said his bias against the project kept him from finding out the truth for a time. He also said he looked for weaknesses in the company operating the center, but could find none. Dirks said he would like to see a similar center for women open in Bozeman.

**Melissa Kelly**, director of the Bozeman center, said the company had to make sure its operations and programming were open to the public so that citizens could make sure the organization was doing what it said it would do.

**Sue Carroll**, director of the Helena Prerelease Center, talked about the “eight years of adversity” that marked efforts to get the center approved. The center started with 40 beds and has 58 now. Expansion plans will enlarge it to 78 beds, she said. The problem, she said, is that most people think such a facility is a good idea, but they don’t want it in their backyard. The key is to build trust in the community and the key to that is use of a screening committee to dictate which offenders are accepted at the center, she said. Acceptance can sometimes depend on whether an offender comes from this community or from elsewhere, whether there is opposition from a victim, an offender’s level of risk to re-offend, the ability to find a therapist to work with an offender, and the level of trust that a screening committee has with operators of a center.

**Mr. Dirks** said people have to remember that the state already has sex offenders and violent offenders walking the streets. While it is difficult to locate a prerelease center for those kinds of offenders, such an operation is better than merely turning them loose without any supervision, he said.

**Ms. Bradley** said offenders need case workers for day services for the mentally ill offenders.

**Ms. Kelly** said only about a fourth of those in the Bozeman center get some kind of mental health therapy.

**Ms. Carroll** said about 40-50 percent of her center's residents have mental health problems.

### ***Offenders Views***

Two offenders talked to the council about their experiences with community programs for offenders:

**Kevin Houser** of Helena said that job training through such organizations as the Career Training Institute is important in finding a job or changing jobs. Assistance in finding a job and transportation to a job are crucial. He said employers have to be made to feel safe in hiring an offender. He said prerelease centers should have physical education programs. Indian offenders do not have much support when sentenced to a prerelease center far from their home and reservation.

**Nathan Gray** of Helena said more government-subsidized affordable housing is needed for offenders leaving prerelease centers. Few offenders can afford a \$600 monthly rental rate, when landlords also require first and last month's rent. It's not a matter of finding housing; the problem is the cost. He said parenting classes can be beneficial, but should be taught by someone who is a parent.

**Rep. Small-Eastman** asked to have some Indian residents of the Helena center talk to the council. Two residents talked about the need for a physical activity program at the center. One complained about not being allowed to attend sweats. He said Indian offenders need balance and spirituality in their lives. They also said Indian health care was more available on reservations.

**Ms. Carroll** explained that one of the residents was not able to attend sweat ceremonies because he is an inmate worker and the rules do not allow him to leave the center.

**Mr. Ferriter** said there are 35 inmate workers statewide. They are inmates who otherwise would not qualify for a prerelease center and they usually become a regular resident.

### ***Public Defender's View***

**Ms. Hood** discussed the new state program she heads and what she has learned about offender needs from her years as public defender in Helena. Her obligation to make defense services better and more appropriate eventually will reduce the problems facing corrections, she said. Offenders need a lifeline (family, job, education and church) to fare well in the community. Those who have no job and hang out with the same friends with which they committed crimes will have a difficult time. The difficulty is finding a job that an offender can do; 90 percent of the available jobs they can't perform, she said. Ms.

Hood said people who don't have to be in jail should be moved out, but they often have to wait until a spot in a community program opens up.

### ***TEAM Mentoring***

Larry Gaalswyk, executive director for the TEAM Mentoring program, explained the program is a faith-based effort to help inmates prepare for their return to society. TEAM stands for teach, encourage, assist, model and is based on the notion of a "Christ-centered life." The program was created in 2000 to mentor prisoners and has expanded to ex-inmates and their children. It deals with relationships, housing and employment problems that confront offenders.

The process involves developing an "inventory of risks" based on an offender's criminal history, employment, family and marital relations, housing, recreation and leisure activities, friends, alcohol and drug problems, emotional and personal problems and attitudes about committing more crimes. Mr. Gaalswyk said 90 percent of offenders out of prison will commit more crimes if they associate with the same friends. He said that is the highest risk factor, while offenders' choice of leisure activities and recreation is the second greatest risk factor. He said TEAM wants to make sure offenders do more than just get new friends; the effort is to find them new friends. "If they don't have new playmates and new playgrounds, they will repeat," he said.

Mr. Gaalswyk said TEAM has conducted 24 re-entry seminars at Montana State Prison for 382 men, beginning in 1997. The organization has conducted such seminars at the women's prison for 185 inmates. It's also had the program at the Yellowstone County Jail and plans on starting one at the Gallatin County Jail. The program uses a team approach, not one-on-one mentoring, he said. The teams try to emphasize for offenders such things as stress management, personal budgeting and making wise choices in their lives. TEAM tries to find offenders jobs that offer a clean work environment, to provide employee training (work ethics and marketable work skills) and offer affordable leisure activities. Mr. Gaalswyk said a couple of Billings judges have sentenced offenders to participate in the program. TEAM has found that children of offenders are 700 percent more likely than other children to commit crimes, but those subjected to mentoring are less likely than other children to use drugs or alcohol and skip school. He said TEAM is open to also dealing with offenders before they get to prison and to offer itself as an alternative to incarceration. He said he has found that offenders need more mental health services in the community and industry capable of providing jobs for TEAM participants in the Billings area.

During the public comment period, Scott Crichton of the ACLU presented a letter addressed to Lt. Gov. John Bohlinger, chairman of the Corrections Advisory Council. The letter presented the ACLU's view of the status of a lawsuit the organization filed against the Department of Corrections over medical care at Montana State Prison.

The subcommittee set the next meeting for Friday, March 31, at the Missoula Assessment and Sanction Center, starting at 10 a.m.

The meeting adjourned about 3:15 p.m.

